App. F. IX-4

Previous References

1939.
(Law)

File No. 39-4
Serial Nos. 1-2

Later References.
27-42 (42-43)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two only

8

Part B for October 1940.

SUBJECT.

Sanction for preferring Revision petition to the High Court against the order passed in Suit Case 98/38-39 on the file of the Additional District Judge, Bangalore (Chowda Gowda vs. Asst. Comr, Closepet Sub Dvn.)

General and Revenue Secretariat

Sanction for preferring of ~~Appeal~~ to the High Court against the order passed in this case 98 of 38-39 on the ~~ADJ~~ Addl. ~~Dt~~ Judge Bangalore (~~Bhoodi Gowda~~ V.S. ~~Asst~~ Court ~~Bloss~~

File No. of 194 [App. F

Serial No.

Date of Judgment 31-7-1940
Copy applied for on 19.8.40
Copy ready on 16.9.40
Copy delivered on 19.9.40

Hag'P'

Letter no. C.5-1224/40-41 dated 11th October the Deputy Court Bangalore District requesting for preferring an appeal in the above case.

The facts of the case are noted in detail the P.U.D. The copy of judgment in the case and file of connected records are also enclosed for re

The additional District Judge has raised Compensation amount from ~~Rs~~ Rs 243-13 Rs. 1322-8-0 and the Deputy Court Bangalore Distr requests that sanction may be accorded for lodging up this order in appeal to the High Co

15/10.

He D.M. may be request 4 Deed Copies of the Schedules & depositions, in full, so that the file may be submitted to the G.A. for Sanction & action

Secretary, 3
15/10/

I think that the G.A. may be asked to pre an appeal, as the Manager, Sperm Silk Mills Ltd has agreed to bear the costs. The judgment was pronou on 31-7-40 and the appeal has to be preferred early the D.C. may be ~~dem~~ requested to ~~for~~ supply the copies ch to the G.A. so as to enable him to file the appe

I Member) Hm 2 16/10/40

can attend today alone 3 18/10

DMM 17/10/40

Hm 2

General and Revenue
Secretariat

Serial
No.

Submitted with a draft G.O for approval

8/10

18/10

Cr. mh. P. 78- 80/ dated 18th October 1940
maintains the ruling of appeal to the High Court in

In all future communications please quote
No.....C5-1224/40-41.
Enc. Two files.

Tel Address.—"DEPCOM"
Post Box No. 34.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

Dated Bangalore, the 11th October, *194*0

Law 39-40-1

SECY. LAW DEPT. 13 OCT. 1940 GOVT OF MYSORE

FROM

Abdul Aziz Khan, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

To

H. V. Narayana Rao, Esq., B.A., LL.B.,
Secretary
to the Government of Mysore.
Law Department, Bangalore.

SIR,

Subject:—

In inviting kind reference to Government Order No.D.125-Seri. 1-36-13 dated 5th July 1937, according sanction to the acquisition of - lands in S.Nos.93, 94, 96 and 97 in Chikkamallur village, Channapatna Taluk, required for the Mysore Spun Silk Mills at Channapatna, I have the honour to state that it is seen from the records that a sum of Rs.243-13-0 was awarded by the Sub Division Officer, Closepet, for the extent of 12 guntas of land

For 12 guntas of land	Rs.120- 0-0	in S.No.94 referred to above --
For value of malki	92- 0-0	inclusive of the value of malki
Statutory allowance at 15 per cent.	31-13-0	and statutory allowance at 15 per

cent for compulsory acquisition, as per details furnished in the margin. Choode Gowda the owner of the land in question made a reference under Section 18 of the Land Acquisition Act for enhancement of compensation and the case was accordingly referred to the Additional District Judge, Bangalore Division.

2. The Additional District Judge has ordered that the award be enhanced to Rs.1322-8-0 as per details furnished in the margin*.

* Value of land	Rs.300- 0-0	
Malki	825- 0-0	
Damage	25- 0-0	
	1,150- 0-0	
Statutory allowance at 15 per cent.	172- 8-0	
	Rs.1,322- 8-0	

3. In this connection, it is seen that the neighbouring lands - which were acquired have all been awarded at Rs.400/- per acre and that the awards have been accepted without protest by the parties concerned. Besides, it is seen from the copy of the judgment enclosed herewith that the District Judge has admitted that the party has claimed compensation at Rs.600/- per acre, but still has accepted the expla

explanation furnished by

in typing and that the party had claimed for the land at Rs.1000/- per acre. Besides the value awarded for the soapnut bushes and the Honge trees seems to be arbitrary.

3. In the circumstances, I request that sanction of Government may kindly be obtained to have the case referred to the High Court ur Section 54, Land Acquisition Act, for revision of the order in questi The Manager, Mysore Spun Silk Mills, Limited, Channapatna, has agreed meet the costs of preferring the appeal.

4. The files of connected records are enclosed herewith for fa

Proceedings of the Government of His Highness
the Maharaja of Mysore.

Read:-

Letter No. C. S-1224/40-41, dated 11th October 1940, from the Deputy Commissioner, Bangalore District, requesting sanction for preferring an appeal to the High Court of Mysore, Bangalore against the order passed in Misc. Case No. 98 of 38-3 on the file of the Additional District Judge, Bangalore (Chowda Gowda vs. Assistant Commissioner, Closepet sub division) and for engaging the services of the Government Advocate for the said purpose.

Order No. P 78-80/Laws 39-40-2 Secretariat Buildings

Kxxxxxxxx, Camp Mysore, dated 18th October 1940

Sanctioned. The Deputy Commissioner, Bangalore District is requested to forward to the Government Advocate direct all the necessary copies of exhibits etc., to enable him to prefer the appeal in time to the High Court. The Government Advocate is requested to take necessary further action in the matter in accordance with the rules laid down for the conduct of the legal affairs of Government.

H Bowler

Secretary to Government,
Law Department.

To

The Deputy Commissione , Bangalore District with the records received with his letter dated 11-10-1940
" Government Advocate.
" Comptroller to Government.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

No.

FROM

~~The Chief Secretary to the Government of His Highness~~
the Maharaja of Mysore.

To

Proceedings of the Government of H
Highness the Maharaja of Mysore -

Read.

Letter no C 5-1224/60-61 dated
11th October 1960 from the Depu
Commissioner Bangalore Distri
requesting sanction for preferri
an appeal to the High Court o
Mysore, Bangalore against the
order passed in miscellaneou
case no 98 of 58-59 on the file
the Additional District Judge
Bangalore (Bhowda Gowda)
Assistant Commissioner Bloespe
and for engaging the Govt Advoca
for the said purpose.

Order no P 78-82/Lnn Date 18/10/6
Enc. Case file & record

Sanctioned. The Deput
Commissioner Bangalore Distri
is requested to forward to the
Govt Advocate direct ~~with~~ al
the necessary documents to
enable him to prefer the appe
in time to the High Court;
The Govt Advocate is reques
to take necessary further
action in the matter in

cordance with the Rules laid
wn for the conduct of the
gal affairs of Govt

To Secy to Govt
Dept

The Deputy commissioner
Bangalore District
with the records received with his letter
dated 11-10-1962
The Govt Advocate
The Comptroller to Govt